

---

**HOUSE BILL 2051**

---

**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Walen, Ryu, Ramel, Duerr, Macri, Doglio, Reeves, Hackney, Pollet, and Kloba

Prefiled 12/28/23. Read first time 01/08/24. Referred to Committee on Environment & Energy.

1 AN ACT Relating to reducing emissions from small off-road  
2 engines; amending RCW 70A.65.260; adding a new section to chapter  
3 70A.30 RCW; adding a new section to chapter 43.21A RCW; adding a new  
4 section to chapter 82.08 RCW; adding a new section to chapter 82.12  
5 RCW; creating a new section; and providing expiration dates.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that gasoline-  
8 powered and diesel-powered landscaping and other outdoor power  
9 equipment emit a host of air pollutants, including nitrogen oxides,  
10 particulate matter, carbon dioxide, and other pollutants,  
11 contributing to climate change and negatively impacting public  
12 health. The air quality, climate change, and other environmental  
13 impacts of outdoor power equipment are significant no matter how you  
14 measure them, including:

15 (a) According to one calculation by the United States  
16 environmental protection agency, gas-powered mowers contribute five  
17 percent of United States air pollution and estimates indicate more  
18 than 17,000,000 gallons of fuel, mostly gasoline, is spilled each  
19 year while refueling lawn equipment;

20 (b) Nationally, the department of transportation data shows that  
21 in 2018, Americans used nearly 3,000,000,000 gallons of gasoline

1 running lawn and garden equipment, equivalent to the annual energy  
2 use of more than 3,000,000 homes;

3 (c) One hour of running a gas lawnmower can contribute as much  
4 smog-forming pollution as driving a passenger car 300 miles; and

5 (d) One hour of running a gas leaf blower can contribute as much  
6 smog-forming pollution as driving a passenger car 1,100 miles.

7 (2) The legislature further finds that the small gas engines used  
8 in lawn and garden equipment are not only bad for the environment and  
9 contributing to climate change, but they can also cause asthma,  
10 hearing loss, and other health issues, especially for workers who  
11 regularly use them. Going electric can generate health benefits and  
12 protect those who have to hear, handle, and inhale gas engines for  
13 hours on end. Additionally, the noise from gas-powered equipment can  
14 be a nuisance, with many communities enacting restrictions on the use  
15 of commercial lawn equipment. Residents value the quiet of electric  
16 equipment, especially with the increasing numbers of people working  
17 from home.

18 (3) The legislature further finds that the technology and  
19 consumer markets are ready for the transition to cleaner, all-  
20 electric lawn and garden equipment. In some instances, electric and  
21 battery-operated equipment are just as powerful as gas, and more  
22 efficient. The market share of battery-powered lawn equipment is  
23 growing at a rate three times faster than gas, and already, many  
24 homeowners, businesses, cities, and universities have converted to  
25 all-electric landscaping equipment. It is estimated that the volume  
26 of electric-powered lawn equipment that North American manufacturers  
27 shipped jumped from about 9,000,000 units in 2015 to over 16,000,000  
28 in 2020, an increase of more than 75 percent in only five years, and  
29 during that time, electric equipment went from roughly 32 percent to  
30 44 percent of the overall lawn equipment market. Some manufacturers  
31 already have plans to cease the production of gas-powered equipment,  
32 and numerous other governments, including the state of California,  
33 has already found technological progress on electric and battery-  
34 powered equipment has made it feasible to restrict gas-powered  
35 outdoor power equipment.

36 (4) Therefore, the legislature intends to establish temporary  
37 sales and use tax relief and a temporary grant program for zero  
38 emissions landscaping equipment to accelerate the phase out of super-  
39 polluting fossil fuel-powered equipment in transitioning to cleaner

1 alternatives, and to restrict the introduction of new polluting small  
2 off-road engine equipment.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.30  
4 RCW to read as follows:

5 (1) Pursuant to the federal clean air act, the legislature adopts  
6 the California small off-road engine and equipment standards in Title  
7 13 of the California Code of Regulations, as they existed as of the  
8 effective date of this section and upon approval by the United States  
9 environmental protection agency of California's standards, except as  
10 provided in subsection (2) of this section. The department of ecology  
11 may adopt rules to implement the small off-road engine and equipment  
12 standards of the state of California, and may amend the rules from  
13 time to time, to maintain consistency with the California standards.  
14 The rules may only apply to small off-road engines and equipment  
15 produced on or after January 1, 2027, or as soon as the department  
16 determines that it is feasible and allowed under the federal clean  
17 air act, whichever is later. Nothing in this section restricts the  
18 use of small off-road engines or equipment produced prior to January  
19 1, 2027.

20 (2)(a) The rules adopted by the department under subsection (1)  
21 of this section may not restrict:

- 22 (i) Chainsaws; and
- 23 (ii) Generators.

24 (b) In addition to the exemptions specified in (a) of this  
25 subsection, the department may temporarily delay the effective start  
26 date of the restrictions under this section for specific categories  
27 of or use cases of small off-road engines and equipment upon  
28 determining that suitable zero emissions small off-road engine or  
29 equipment technology does not exist to satisfy the needs of the  
30 specific use case or category of engine or equipment.

31 (3) The definitions in this subsection apply throughout this  
32 section unless the context clearly requires otherwise.

33 (a) "Small off-road engine" means any engine that produces a  
34 gross horsepower less than 25 horsepower (at or below 19 kilowatts  
35 for 2005 and later model year), or is designed (e.g., through fuel  
36 feed, valve timing, etc.) to produce less than 25 horsepower (at or  
37 below 19 kilowatts for 2005 and later model year), that is not used  
38 to propel a licensed on-road motor vehicle, an off-road motorcycle,  
39 an all-terrain vehicle, a marine vessel, a snowmobile, a model

1 airplane, a model car, or a model boat. If an engine family has  
2 models below 25 horsepower (at or below 19 kilowatts) and models at  
3 or above 25 horsepower (above 19 kilowatts), only the models under 25  
4 horsepower (at or below 19 kilowatts) would be considered small off-  
5 road engines. Uses for small off-road engines include, but are not  
6 limited to, applications such as lawn mowers, weed trimmers,  
7 chainsaws, golf carts, specialty vehicles, generators, and pumps. All  
8 engines and equipment that fall within the scope of the preemption of  
9 section 209(e)(1)(A) of the federal clean air act, as amended, and as  
10 defined by regulation of the United States environmental protection  
11 agency, are specifically not included within this category. Any  
12 compression-ignition engine, as defined in Title 13, Section 2421,  
13 California Code of Regulations, produced during the 2000 and later  
14 model years may not be defined as a small off-road engine.

15 (b) "Small off-road equipment" means any off-road equipment  
16 powered by a small off-road engine or comparable electric motor, or  
17 other power source.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A  
19 RCW to read as follows:

20 (1) The department must administer an outdoor power equipment  
21 grant program for local governments that use outdoor power equipment.  
22 Grants issued under this section may only be used to replace  
23 existing, working-condition outdoor power equipment powered by liquid  
24 or gaseous or fossil fuels with zero emissions outdoor power  
25 equipment.

26 (2) Among grants that are issued under this section, the  
27 department must prioritize grants that will result in the greatest  
28 benefits to vulnerable populations or that will reduce the most  
29 hazardous or frequent occupational exposures caused by outdoor power  
30 equipment.

31 (3) It is the intent of the legislature to dedicate \$5,000,000  
32 per year to the outdoor power equipment grant program, beginning in  
33 calendar year 2025 and ending in calendar year 2029.

34 (4) The definitions in this subsection apply throughout this  
35 section unless the context clearly requires otherwise.

36 (a) "Outdoor power equipment" means equipment designed or  
37 marketed for use in an outdoor setting in the management of  
38 vegetation, landscaped outdoor spaces, or built spaces that is  
39 powered by an engine that produces a gross horsepower of less than 25

1 or is designed to produce less than 25 horsepower. "Outdoor power  
2 equipment" includes vegetation cutting equipment, leaf blowers, leaf  
3 vacuums, mulchers, edgers, pressure washers, and snowblowers.

4 (b) "Vegetation cutting equipment" includes lawn mowers, riding  
5 lawn mowers, hedge trimmers, string trimmers, brush cutters, pole  
6 trimmers, pole saws, and log splitters.

7 (c) "Vulnerable populations" has the same meaning as defined in  
8 RCW 70A.02.010.

9 (d) (i) "Zero emissions outdoor power equipment" means outdoor  
10 power equipment that is powered by a source that does not produce  
11 exhaust gas other than water and that is powered by an engine that  
12 produces a gross horsepower of less than 25 horsepower at or below 28  
13 kilowatts or is designed to produce less than 25 horsepower.

14 (ii) "Zero emissions outdoor power equipment" includes, but is  
15 not limited to, equipment powered by batteries, battery packs, fuel  
16 cells, or electricity through an electric power cord and also  
17 includes lawn mowers powered solely by human effort.

18 (5) This section expires January 1, 2030.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.08  
20 RCW to read as follows:

21 (1) Beginning January 1, 2023, the tax imposed by  
22 RCW 82.08.020 does not apply to the sale of zero emissions outdoor  
23 power equipment.

24 (2) Each seller of outdoor power equipment is encouraged to  
25 notify potential customers of the effective zero percent sales tax  
26 rate established in this section for zero emissions outdoor power  
27 equipment.

28 (a) A seller of outdoor power equipment in a physical location,  
29 including a store or booth, is encouraged to satisfy this subsection  
30 by affixing a notice, label, or sign to the outdoor power equipment  
31 or in a prominent manner adjacent to the product, in arial font and  
32 at least 14-point type.

33 (b) A seller of outdoor power equipment that uses an electronic  
34 place, including an internet website or dedicated sales software  
35 application, is encouraged to satisfy this subsection through a  
36 prominent notice that appears both in any electronic spaces  
37 advertising or displaying the product, and at the time of payment.

38 (3) The definitions in this subsection apply throughout this  
39 section unless the context clearly requires otherwise.

1 (a) "Outdoor power equipment" has the same meaning as defined in  
2 section 3 of this act.

3 (b) "Zero emissions outdoor power equipment" has the same meaning  
4 as defined in section 3 of this act.

5 (4) The provisions of RCW 82.32.805 and 82.32.808 do not apply to  
6 subsection (1) of this section.

7 (5) This section expires January 1, 2030.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.12  
9 RCW to read as follows:

10 (1) Beginning January 1, 2025, the tax imposed by  
11 RCW 82.12.020 does not apply to the use of zero emissions outdoor  
12 power equipment.

13 (2) The definitions in section 4 of this act apply to this  
14 section.

15 (3) The provisions of RCW 82.32.805 and 82.32.808 do not apply to  
16 subsection (1) of this section.

17 (4) This section expires January 1, 2030.

18 **Sec. 6.** RCW 70A.65.260 and 2023 c 475 s 939 are each amended to  
19 read as follows:

20 (1) The climate commitment account is created in the state  
21 treasury. The account must receive moneys distributed to the account  
22 from the climate investment account created in RCW 70A.65.250. Moneys  
23 in the account may be spent only after appropriation. Projects,  
24 activities, and programs eligible for funding from the account must  
25 be physically located in Washington state and include, but are not  
26 limited to, the following:

27 (a) Implementing the working families' tax credit in RCW  
28 82.08.0206;

29 (b) Supplementing the growth management planning and  
30 environmental review fund established in RCW 36.70A.490 for the  
31 purpose of making grants or loans to local governments for the  
32 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and  
33 36.70A.600, for costs associated with RCW 36.70A.610, and to cover  
34 costs associated with the adoption of optional elements of  
35 comprehensive plans consistent with RCW 43.21C.420;

36 (c) (i) Programs, activities, or projects that reduce and mitigate  
37 impacts from greenhouse gases and copollutants in overburdened  
38 communities, including strengthening the air quality monitoring

1 network to measure, track, and better understand air pollution levels  
2 and trends and to inform the analysis, monitoring, and pollution  
3 reduction measures required in RCW 70A.65.020;

4 (ii) Programs, activities, or projects that reduce and mitigate  
5 impacts from greenhouse gases and pollutants on vulnerable  
6 populations, including the outdoor power equipment grant program  
7 established in section 3 of this act, or transfers to the general  
8 fund to offset revenue losses from the tax preferences established in  
9 sections 4 and 5 of this act;

10 (d) Programs, activities, or projects that deploy renewable  
11 energy resources, such as solar and wind power, and projects to  
12 deploy distributed generation, energy storage, demand-side  
13 technologies and strategies, and other grid modernization projects;

14 (e) Programs, activities, or projects that increase the energy  
15 efficiency or reduce greenhouse gas emissions of industrial  
16 facilities including, but not limited to, proposals to implement  
17 combined heat and power, district energy, or on-site renewables, such  
18 as solar and wind power, to upgrade the energy efficiency of existing  
19 equipment, to reduce process emissions, and to switch to less  
20 emissions intensive fuel sources;

21 (f) Programs, activities, or projects that achieve energy  
22 efficiency or emissions reductions in the agricultural sector  
23 including:

24 (i) Fertilizer management;

25 (ii) Soil management;

26 (iii) Bioenergy;

27 (iv) Biofuels;

28 (v) Grants, rebates, and other financial incentives for  
29 agricultural harvesting equipment, heavy duty trucks, agricultural  
30 pump engines, tractors, and other equipment used in agricultural  
31 operations;

32 (vi) Grants, loans, or any financial incentives to food  
33 processors to implement projects that reduce greenhouse gas  
34 emissions;

35 (vii) Renewable energy projects;

36 (viii) Farmworker housing weatherization programs;

37 (ix) Dairy digester research and development;

38 (x) Alternative manure management; and

39 (xi) Eligible fund uses under RCW 89.08.615;

1 (g) Programs, activities, or projects that increase energy  
2 efficiency in new and existing buildings, or that promote low carbon  
3 architecture, including use of newly emerging alternative building  
4 materials that result in a lower carbon footprint in the built  
5 environment over the life cycle of the building and component  
6 building materials;

7 (h) Programs, activities, or projects that promote the  
8 electrification and decarbonization of new and existing buildings,  
9 including residential, commercial, and industrial buildings;

10 (i) Programs, activities, or projects that improve energy  
11 efficiency, including district energy, and investments in market  
12 transformation of high efficiency electric appliances and equipment  
13 for space and water heating;

14 (j) Clean energy transition and assistance programs, activities,  
15 or projects that assist affected workers or people with lower incomes  
16 during the transition to a clean energy economy, or grow and expand  
17 clean manufacturing capacity in communities across Washington state  
18 including, but not limited to:

19 (i) Programs, activities, or projects that directly improve  
20 energy affordability and reduce the energy burden of people with  
21 lower incomes, as well as the higher transportation fuel burden of  
22 rural residents, such as bill assistance, energy efficiency, and  
23 weatherization programs;

24 (ii) Community renewable energy projects that allow qualifying  
25 participants to own or receive the benefits of those projects at  
26 reduced or no cost;

27 (iii) Programs, activities, or other worker-support projects for  
28 bargaining unit and nonsupervisory fossil fuel workers who are  
29 affected by the transition away from fossil fuels to a clean energy  
30 economy. Worker support may include, but is not limited to: (A) Full  
31 wage replacement, health benefits, and pension contributions for  
32 every worker within five years of retirement; (B) full wage  
33 replacement, health benefits, and pension contributions for every  
34 worker with at least one year of service for each year of service up  
35 to five years of service; (C) wage insurance for up to five years for  
36 workers reemployed who have more than five years of service; (D) up  
37 to two years of retraining costs, including tuition and related  
38 costs, based on in-state community and technical college costs; (E)  
39 peer counseling services during transition; (F) employment placement



1 services, prioritizing employment in the clean energy sector; and (G)  
2 relocation expenses;

3 (iv) Direct investment in workforce development, via technical  
4 education, community college, institutions of higher education,  
5 apprenticeships, and other programs including, but not limited to:

6 (A) Initiatives to develop a forest health workforce established  
7 under RCW 76.04.521; and

8 (B) Initiatives to develop new education programs, emerging  
9 fields, or jobs pertaining to the clean energy economy;

10 (v) Transportation, municipal service delivery, and technology  
11 investments that increase a community's capacity for clean  
12 manufacturing, with an emphasis on communities in greatest need of  
13 job creation and economic development and potential for commute  
14 reduction;

15 (k) Programs, activities, or projects that reduce emissions from  
16 landfills and waste-to-energy facilities through diversion of organic  
17 materials, methane capture or conversion strategies, installation of  
18 gas collection devices and gas control systems, monitoring and  
19 reporting of methane emissions, or other means, prioritizing funding  
20 needed for any activities by local governments to comply with chapter  
21 70A.540 RCW;

22 (l) Carbon dioxide removal projects, programs, and activities;  
23 and

24 (m) Activities to support efforts to mitigate and adapt to the  
25 effects of climate change affecting Indian tribes, including capital  
26 investments in support of the relocation of Indian tribes located in  
27 areas at heightened risk due to anticipated sea level rise, flooding,  
28 or other disturbances caused by climate change. The legislature  
29 intends to dedicate at least \$50,000,000 per biennium from the  
30 account for purposes of this subsection.

31 (2) Moneys in the account may not be used for projects or  
32 activities that would violate tribal treaty rights or result in  
33 significant long-term damage to critical habitat or ecological  
34 functions. Investments from this account must result in long-term  
35 environmental benefits and increased resilience to the impacts of  
36 climate change.

37 (3) During the 2023-2025 fiscal biennium, the legislature may  
38 appropriate moneys from the climate commitment account for activities  
39 related to environmental justice, including implementation of chapter  
40 314, Laws of 2021.

1        NEW SECTION.    **Sec. 7.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

--- **END** ---